

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

Tyler Smith

(b) County of Residence of First Listed Plaintiff Wayne  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Kama Patel 45863 Tournament Drive, Northville, MI  
48168

## DEFENDANTS

Township of Redford et al

County of Residence of First Listed Defendant Wayne  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                        |   | PTF                        | DEF                        |
|---|---------------------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability		<b>INTELLECTUAL PROPERTY RIGHTS</b>	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<b>LABOR</b>	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input checked="" type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<b>IMMIGRATION</b>	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment			<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other			<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 448 Education			
	<b>PRISONER PETITIONS</b>			
	<b>Habeas Corpus:</b>			
	<input type="checkbox"/> 463 Alien Detainee			
	<input type="checkbox"/> 510 Motions to Vacate Sentence			
	<input type="checkbox"/> 530 General			
	<input type="checkbox"/> 535 Death Penalty			
	<b>Other:</b>			
	<input type="checkbox"/> 540 Mandamus & Other			
	<input type="checkbox"/> 550 Civil Rights			
	<input type="checkbox"/> 555 Prison Condition			
	<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

## FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

# UNITED STATES DISTRICT COURT

for the

Tyler Smith

\_\_\_\_\_  
Plaintiff/Petitioner

City of Redford, Redford Police Dept, Officer Plymel John

Doe, John Doe, John Doe

\_\_\_\_\_  
Defendant/Respondent

Civil Action No.

## APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS (Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: N/A.

If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. *If not incarcerated.* If I am employed, my employer's name and address are:

N/A

My gross pay or wages are: \$ 0.00 SSI \$1600/mo and my take-home pay or wages are: \$ n/a per  
(specify pay period) \_\_\_\_\_.

3. *Other Income.* In the past 12 months, I have received income from the following sources (check all that apply):

- |  |   |  |                                  |
|--|---|--|----------------------------------|
| (a) Business, profession, or other self-employment | <input type="checkbox"/> Yes            | <input type="checkbox"/> No            | yes rental payments:<br>\$700/mo |
| (b) Rent payments, interest, or dividends          | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |                                  |
| (c) Pension, annuity, or life insurance payments   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |                                  |
| (d) Disability, or worker's compensation payments  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |                                  |
| (e) Gifts, or inheritances                         | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |                                  |
| (f) Any other sources                              | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |                                  |

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

SSI \$1500/MO  
RENT \$700/MO  
MEDICAID

AO 240 (Rev. 07/10) Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

4. Amount of money that I have in cash or in a checking or savings account: \$ \$1500.00 .

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name *(describe the property and its approximate value)*:

no

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses *(describe and provide the amount of the monthly expense)*:

Rent \$700/mo  
Utilities \$900/mo

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

Robena Smith mother

8. Any debts or financial obligations *(describe the amounts owed and to whom they are payable)*:

no

*Declaration:* I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: 04/27/2024

*T Tyler Smith*  
*Applicant's signature*

Tyler Smith

*Printed name*

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

**TYLER SMITH**

**Plaintiff,**

**Case No.**

**Hon.**

**JURY DEMAND**

**V.**

**TOWNSHIP OF REDFORD,  
KEVIN JEZIOROWSKI, in his former capacity as  
Chief of the REDFORD POLICE DEPARTMENT  
OFFICER RYAN PLYMEL,  
OFFICER JOHN DOE,  
OFFICER JOHN DOE,  
and OFFICER JOHN DOE,  
Jointly and Severally,**

**Defendants,**

---

KAMA PATEL, LLC ESQ. P62237

PATRICK NYENHUIS (P76343)

Attorney for Plaintiff

45863 Tournament Drive

Northville, Michigan 48226

734-377-6233/(313) 244-3500 kama.anaadhi@gmail.com

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**COMPLAINT AND JURY**  
**DEMAND**

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this complaint pending in Court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge, nor do I know of any other civil action, not between these parties, arising out of the same transaction or occurrence as alleged in this complaint that is either pending or was previously filed and dismissed, transferred, or otherwise disposed of after having been assigned to a judge in this court.

/s/ Patrick E. Nyenhuis *Patrick*  
Patrick E. Nyenhuis (P76343)

**PLAINTIFF'S COMPLAINT**

NOW COMES NOW Plaintiff, TYLER SMITH, by and through his respective attorney, Patrick E. Nyenhuis, hereby files the following COMPLAINT, holding Defendants liable for racial discrimination, disability discrimination and retaliation, and violations of his constitutional rights in violation of Title IX, 20

U.S.C. §1681, Title VII, 42 U.S.C. §2000e-2; The Americans with Disabilities Act, 42 U.S.C. § 12111; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701; the Fourteenth Amendment of the U.S. Constitution; 42 U.S.C. §1983; Michigan's Elliott-Larsen Civil Rights Act, M.C.L. §37.2101 et seq.; and the Michigan's Persons with Disabilities Civil Rights Act, M.C.L. §37.1101 et seq., against Defendants as captioned above.

**PARTIES**

1. Plaintiff, Tyler Smith (“Plaintiff”) is a resident of the Township of Redford, Wayne County, Michigan.
2. Defendant Township of Redford Police Department (“Defendants”) is a local government agency of law enforcement for the Township of Redford.
3. The Township of Redford (“Defendants”) is a local governmental entity that oversees the Township of Redford Police Department.
4. At all times relevant hereto, Defendant Kevin Jeziorowski was employed as the Chief of the Redford Township Police Department and was responsible for the hiring, training, supervision, disciplining and retention of deputies by Defendant, Township of Redford Police Department.
5. Defendant Township of Redford is located in the Eastern District of Michigan, chartered under Article VII, §1 of the Michigan Constitution of 1963.
6. The three Defendants John Doe (“Defendants Doe”) and Officer Ryan Plymel are police officers/detectives, employed by the Defendant, Township of Redford Police Department, located in the Township of Redford, County of Wayne, State of Michigan.

## **INTRODUCTION**

7. While Black Americans make up only 14% of the state's population, they accounted for a significant number of all traffic stops versus non-Black American traffic stops in 2021 and 2022 with exact percentages to be obtained through discovery.
8. Notably, racially-motivated vehicular stops are not innocuous encounters. Rather, they are unconstitutional seizures that increase the potential for confrontation, police violence, fatality, unlawful arrest and compounding constitutional violations.
9. As articulated in the special report Driving While Black: Racial Profiling on Our Nations' Highways, "Race-based traffic stops turn one of the most ordinary and quintessentially American activities into an experience fraught with danger and risk for people of color."
10. Such fear and danger are fueled by pervasive reports of unlawful police brutality suffered by Black Americans in police encounters, such as the murder of George Floyd, the shooting death of Philando Castile during a traffic stop, the death of Eric Garner in a police chokehold and the November 2020 mauling in which Michigan State Police Trooper unleashed his K-9 on a non-resisting Black man, allowing the dog to maul the man for four minutes before calling him off.

### **ENUE AND JURISDICTION**

11. This Court has Jurisdiction pursuant to Mich Const. Art 1, §11, MCL

440.2716, and U.S. Const. Amend. IV, 42 USC §1983, 28 USC §1331, 28 USC §1343(3) and (4), 28 USC §1983, 28 USC §1367.

12. Venue is proper under 28 U.S.C. §1391(b)(1) and (2), this being a judicial district where the events giving rise to this action occurred.

### **GENERAL ALLEGATIONS**

13. Plaintiff incorporates and restates the preceding paragraphs as if more fully stated herein.

14. This matter arises out of Plaintiff's rights on June 12, 2023.

15. Plaintiff is completely paralyzed from the waist down through his extremities and legs.

16. Defendant Doe caused a criminal process to be initiated against the Plaintiff.

17. As a result of the criminal proceedings being initiated against the Plaintiff, the Plaintiff incurred both physical and psychological damage.

18. A three-year statute of limitations applies to an action in tort involving a personal injury action in Michigan alleging a 1983 claim. According to

Peterson Novelties, Inc. v. Township of Berkley, 259 Mich.App 1, 15;



672 NW2d 351 (2003), a claim does not begin to accrue until the

conviction is vacated. It is well established that in §1983 claims based on malicious prosecution, the statute of limitations does not begin to run until the underlying criminal action is terminated in favor of the accused. Here, there is no underlying criminal matter against Plaintiff arising out of the incident in question of June 12, 2023.

19. Defendant Doe was on patrol at that time and followed Plaintiff and then activated his overhead emergency lights whereupon, Plaintiff's Driver pulled over to the side of the freeway and was stopped.
20. Plaintiff alleges that on June 12, 2023, at 01:50 a.m., at an unknown location, an Unknown White-Male Officer with the Township of Redford Police Department stopped the Plaintiff, who was the passenger and another person, the driver, the officer claimed that the reason for the stop was due to Hyundai vehicles being broken into in the area.
21. The Plaintiff was dragged out of his vehicle and dropped on the ground by Defendants, which caused medical complications and other series of distresses. All injuries were instigated by the Township of Redford Police Department officers during the traffic stop with the Plaintiff.
22. On July 12, 2023, the body-worn camera footage shows Officer Ryan Plymel (Redford Township Police Department), pulled over the Plaintiff, and non-party Darius Williams, who was operating the vehicle.

23. Officer Plymel approached the vehicle and asked the driver for his driver's license, proof of registration, and insurance.
24. Officer Plymel's alleged "reason" for the stop was that the Redford Township Police Department had been getting complaints of stolen Hyandais in the area. Officer Plymel further explained that he was stopping Williams and the Plaintiff for that purpose.
25. Additional officers responded to the scene and approached the vehicle's passenger, the Plaintiff. The officers requested that the Plaintiff step outside the passenger seat.
26. The Victim responded with, "No, you can't sit me down nowhere. I am paralyzed." Officer Plymel then informed an unknown officer on the scene about the situation and the reason for the stOP.
27. Plaintiff stated to the other officers that he was not getting out of the vehicle, as he was paralyzed and he had already informed the officers of this fact.
28. Based on Pennsylvania v. Mimms (1977), which is commonly used to justify ordering persons out of a vehicle and used by law enforcement officers, officers tend to use this decision for their defense in "ordering" a passenger to vacate the stopped vehicle. The officers can argue "officer safety" regarding having both occupants out of the vehicle at the traffic

stop, but there must exist reasonable suspicion that the officer's safety was at risk, which it was clearly not during this incident.

29. In addition, the officers failed to exercise 'reasonable accommodations' for the Plaintiff, who is paralyzed. The Plaintiff maintained in his interactions with the officers, "I am paralyzed."
30. An unknown black officer was interacting with the Plaintiff, stating, "I can pull you out of the fucking car."
31. Two unknown officers (including the black male officer mentioned above) grabbed the Plaintiff and pulled him out of the car and dragged him to the ground.
32. Officer Plymel then conducted an illegal search of the motor vehicle.
33. The officers failed to contact medical services/EMS to assist in Plaintiff's removal from the vehicle as per standard police protocol.
34. Officers then accused Plaintiff of resisting arrest.

**COUNT**  
**I**  
**Violation of the Americans with Disabilities**  
**Act,**  
**42 U.S.C. § 12101, et.seq; Disability**  
**Discrimination'**

35. Plaintiff incorporates the preceding paragraphs by reference herein.
36. Plaintiff is a qualified individual with a disability or disabilities within the meaning of 42 U.S.C. s. 12111(8).

37. The individual Defendants, Township of Redford and Redford Police Department, Defendants Doe are managers, supervisors and decision makers for Defendants.
38. Defendants unlawfully discriminated against Plaintiff in whole or in part in the manner set forth in the Investigator Report as attached as Exhibit “A”, which Plaintiff being completely paralyzed from the waist down.
39. Defendants retaliated against Plaintiff where Plaintiff informed Defendants that he was in fact paralyzed from the waist down and could not be moved.

**Violation of the Americans with Disabilities**  
**Act,**  
**42 U.S.C. § 12101, et.seq; Disability**  
**Discrimination’**

40. Defendants failed and/or refused to afford and/or allow Plaintiff the use of reasonable accommodations to be treated as a person with physical disabilities
41. Defendants are liable to Plaintiff under the ADA for:
  - A. Taking the aforementioned adverse and egregious actions against Plaintiff because of his disability/disabilities;
  - B. Failing to afford and/or allow Plaintiff the use of reasonable accommodations;

C. Even if Plaintiff is determined to not suffer from a disability or disabilities, as defined by the ADA, the Defendants unlawfully regarded him as

being disabled and discriminated against him on the basis of such in violation of the ADA.

WHEREFORE, Plaintiff requests this Honorable Court enter Judgment against Defendants providing the following relief:

- A. Actual Damages against all defendants in whatever amount above \$75,000 that Plaintiff is entitled;
- B. Compensatory damages against all defendants to which Plaintiff is entitled;
- C. Punitive/Exemplary damages against all defendants to which Plaintiff is entitled;
- D. An award of interest, costs and reasonable Attorney fees;
- E. And such other relief as this Honorable Court deems proper and just.

**COUNT II: 42 U.S.C. § 1983 EXCESSIVE FORCE**

42. Plaintiff incorporates herein by reference all of the above paragraphs of this Complaint as though fully set forth herein at length.
43. As more fully described in the preceding paragraphs and through Discovery, the intentional misconduct of Defendant Officer Plymel and Officers Doe (“Defendants”) toward Plaintiff was objectively unreasonable and constituted excessive force in violation of the Fourth Amendment of the United States Constitution.
44. Upon information and belief, Defendant Officers were aware of the misconduct of their fellow officers with respect to Plaintiff, had a reasonable opportunity to intervene to prevent it, but failed to do so.
45. As a direct and proximate result of Defendant Officers use of excessive force, Plaintiff suffered pain and injuries not limited to emotional injuries, all past, present and future as well as loss of enjoyment of life, humiliation, degradation as described in preceding paragraphs, Discovery and which will be proven at trial.

WHEREFORE, Plaintiff requests this Honorable Court enter Judgment against Defendants providing the following relief:



- A. Actual Damages against all defendants in whatever amount above \$75,000 that Plaintiff is entitled;
- B. Compensatory damages against all defendants to which Plaintiff is entitled;
- C. Punitive/Exemplary damages against all defendants to which Plaintiff is entitled;
- D. An award of interest, costs and reasonable Attorney fees;
- E. And such other relief as this Honorable Court deems proper and just.

**COUNT III: 42 U.S.C. § 1983 FAILURE TO  
INTERVENE**

- 46. Plaintiff incorporates herein by reference all of the above paragraphs of this Complaint as though fully set forth herein at length.
- 47. Police Officers have an obligation to protect citizens from constitutional violations by other fellow officers and any other individual that a fellow officer directs to violate a constitutional right. Therefore, an officer who witnesses other officers violating an individual's constitutional rights is liable to the victim for failing to intervene.
- 48. Defendant Officers had a duty to intervene when witnessing Plaintiff being unlawfully assaulted and searched by Defendant Officers. Defendant Officers either partook in the unlawful assault and/or search

and/or failed to intervene in order to protect Plaintiff from the violation of his civil rights.

WHEREFORE, Plaintiff requests this Honorable Court enter Judgment against Defendants providing the following relief:

- A. Actual Damages against all defendants in whatever amount above \$75,000 that Plaintiff is entitled;
- B. Compensatory damages against all defendants to which Plaintiff is entitled;
- C. Punitive/Exemplary damages against all defendants to which Plaintiff is entitled;
- D. An award of interest, costs and reasonable Attorney fees;
- E. And such other relief as this Honorable Court deems proper and just.

**COUNT**  
**IV**

**42 U.S.C. § 1983 VIOLATION OF THE FOURTH AND**  
**FOURTEENTH**  
**AMENDMENTS AGAINST ILLEGAL SEARCH AND**  
**SEIZURE**

49. Plaintiff incorporates herein by reference all of the above paragraphs of this Complaint as though fully set forth herein at length.

50. As stated and incorporated herein via the General Allegations, Defendants' deprived.

51. Defendants also lacked any probable cause to believe Plaintiff committed a traffic violation and there was no basis for a traffic stop.
52. Defendants lacked any reasonable suspicion that Plaintiff was engaged in or were about to become engaged in the commission of a felony or misdemeanor and there was no basis for a traffic stop.
53. The detention of Plaintiff for any period of time was not reasonably required and was therefore unlawful.
54. The detention of Plaintiff, along with the unwarranted search of Plaintiff's vehicle and personal items were unreasonable under the prevailing circumstances and thus violated Plaintiff's right not to be subjected to unreasonable search and seizure guaranteed by the Fourth Amendment of the United States Constitution.
55. As a direct and proximate result of Defendants actions in violation of 42 USC s 1983, Plaintiff has sustained injuries and damages as outlined in this Complaint.

WHEREFORE, Plaintiff requests this Honorable Court enter Judgment against Defendants providing the following relief:

- A. Actual Damages against all defendants in whatever amount above \$75,000 that Plaintiff is entitled;
- B. Compensatory damages against all defendants to which Plaintiff is entitled;
- C. Punitive/Exemplary damages against all defendants to which Plaintiff is entitled;
- D. An award of interest, costs and reasonable Attorney fees;
- E. And such other relief as this Honorable Court deems proper and just.

**COUNT V**  
**MONELL CLAIM**  
**AGAINST**  
**Township of Redford and Redford Police**  
**Department**

58. Plaintiff Incorporates herein by reference all of the above paragraphs of this Complaint as though fully set forth herein at length.

59. Plaintiff has been subjected to a deprivation of clearly established constitutionally protected rights and privileges secured by the Constitution of the United States, including:

- a. His Fourteenth Amendment rights as described above; and
- b. His Fourth Amendment rights as described above.

60. The foregoing rights were clearly established at the time of the violations.

61. The deprivations were caused by the customs, policies and established practices of the Redford Police Department acting under color of its statutory and legal authority, including without limitation:

- c. Failing to train the Redford Police Department officers regarding how to properly investigate a crime and ensure there proper evidentiary support concerning stopping, detaining, arresting and assaulting Plaintiff.

- d. Failing to train the Redford Police Department Officers regarding how to properly humanely deal with a person with physical disabilities.

62. Defendant Does and Plymel were state actors acting under color of law.

63. The foregoing violations caused substantial damages to Plaintiff as alleged herein, including without limitation, severe and permanent psychological and physical damages and emotional distress.

64. Plaintiffs' federal constitutional claims are cognizable under 42 U.S.C. 1983.

WHEREFORE, Plaintiff requests this Honorable Court enter Judgment against Defendants providing the following relief:

A. Actual Damages against all defendants in whatever amount above \$75,000

That Plaintiff is entitled ;

B. Compensatory damages against all defendants to which Plaintiff is

Entitled;

C. Punitive/Exemplary damages against all defendants to which Plaintiff is entitled;

D. An award of interest, costs and reasonable Attorney fees;

E. And such other relief as this Honorable Court deems proper and just.

**COUNT VI: U.S.C. § 1983 CONSPIRACY**

65. Plaintiffs incorporate herein by reference all of the above paragraphs of this Complaint as though fully set forth herein at length.

66. Defendant Officers impliedly or expressly conspired and agreed to violate Plaintiff's Constitutional rights and to cover up their own and each others' misconduct, acting in furtherance of this conspiracy as more fully described above.

67. As a direct and proximate result of Defendant Officers' conspiracy, Plaintiff suffered pain and injuries not limited to emotional and physical injuries, all past, present and future as well as loss of enjoyment of life, humiliation, degradation as described in the preceding paragraphs and which will be proven through discovery and trial by jury.

WHEREFORE, Plaintiff requests this Honorable Court enter Judgment against Defendants providing the following relief:

- A. Actual Damages against all defendants in whatever amount above \$75,000  
That Plaintiff is entitled ;
- B. Compensatory damages against all defendants to which Plaintiff is entitled;
- C. Punitive/Exemplary damages against all defendants to which Plaintiff is entitled;
- D. An award of interest, costs and reasonable Attorney fees;
- E. And such other relief as this Honorable Court deems proper and just.

**OUNT VII**  
**VIOLATION OF 42 U.S.C. § 1983 VIOLATION OF**  
**THE FOURTEENTH AMENDMENT EQUAL**  
**PROTECTION**

68. Plaintiffs incorporate herein by reference all of the above paragraphs of this Complaint as though fully set forth herein at length.

69. A traffic stop by a law enforcement officer must be based on observed conduct that gives the officer probable cause to believe there has been violation of a traffic law or regulation; or reasonable suspicion to believe other criminal activity is afoot.

70. Plaintiff neither violated laws nor engaged in conduct giving rise to reasonable suspicion or probable cause at the time they were stopped by Defendants.

71. Plaintiff is Black American and Black Americans factually have been subjected to a stop, seizure and search based on their racial identity as has Plaintiff, being Black American.

72. Defendants' actions were motivated by suspect motive or intent and/or involved reckless or callous indifference to the Plaintiff's rights. Specifically, Defendants willfully and/or maliciously engaged in unconstitutional racial profiling.

73. The effect of Defendants' actions was racial discrimination against Plaintiff in that drivers and/or passengers of other races who, like Plaintiff was lawfully a



passenger or operating their motor vehicles, were not stopped and detained in the same way and for the same reasons as Plaintiff.

74. Defendants' actions and/or omissions approximately caused his injuries.

WHEREFORE, Plaintiff requests this Honorable Court enter Judgment against Defendants providing the following relief:

- A. Actual Damages against all defendants in whatever amount above \$75,000 that Plaintiff is entitled;
- B. Compensatory damages against all defendants to which Plaintiff is entitled;
- C. Punitive/Exemplary damages against all defendants to which Plaintiff is entitled;
- D. An award of interest, costs and reasonable Attorney fees;
- E. And such other relief as this Honorable Court deems proper and just.

**COUNT VIII: U.S.C. s.1983 MUNICIPAL/SUPERVISORY LIABILITY:**

**DEFENDANT TOWNSHIP AND REDFORD AND DEFENDANT**

**OFFICER LIEUTENANT DOE**

75. Plaintiffs incorporate herein by reference all of the above paragraphs of this Complaint as though fully set forth herein at length.

76. Defendant Officer Lt. Doe was the supervising officer of Defendant Officers Doe and Officer Plymel, fully participating in the unlawful search as described above in all of the preceding paragraphs.

77. Defendant Officer Lt. Doe and the Defendant Township of Redford acted recklessly and/or with deliberate indifference when it practiced and/or permitted customs, policies, and/or practices that resulted in violations to Plaintiff.

56. These customs, policies, and/or practices included but were not limited to the following:

- a. Failing to supervise officers to prevent violations of citizens' constitutional rights;
- b. Failing to adequately train and/or supervise officers regarding the proper use of force;

78. The misconduct described in preceding paragraphs has become a widespread practice and so well settled as to constitute de facto policy in the Redford Police Department. This policy was able to exist and thrive because governmental

policymakers have exhibited deliberate indifference to the problem thereby ratifying it.

79. The widespread practice described in preceding paragraphs was allowed to flourish because Defendant Township of Redford Police Department has declined to implement sufficient hiring, training and/or legitimate and/or effective mechanisms for oversight and/or punishment of police officer misconduct.

80. The policies and practices of Defendant Township of Redford directly and proximately led to the injuries Plaintiff suffered at the hands of Defendant Officers and Unknown Defendant Officers.

81. As a direct and proximate of said Constitutional Violations Plaintiff suffered loss of freedom, mental anguish, pain and suffering, loss of enjoyment of life, humiliation, degradation and emotional injuries, all past, present and future.

WHEREFORE, Plaintiff requests this Honorable Court enter Judgment against Defendants providing the following relief:

A. Actual Damages against all defendants in whatever amount above \$75,000 that Plaintiff is entitled;

B. Compensatory damages against all defendants to which Plaintiff is Entitled;

C. Punitive/Exemplary damages against all defendants to which Plaintiff is entitled;

D. An award of interest, costs and reasonable Attorney fees;

E. And such other relief as this Honorable Court deems proper and just.

**COUNT IX: STATE LAW ASSAULT AND BATTERY**

82. Plaintiffs incorporate herein by reference all of the above paragraphs of this Complaint as though fully set forth herein at length.

83. Defendant Officers, while acting within the scope of their employment did threaten and/or cause Plaintiff to be threatened with involuntary, unnecessary and excessive physical contact as described above and said acts constituting assault and battery upon his person.

84. Said physical contact and/or threat of contact was unnecessary and excessive; furthermore, said physical contact no Plaintiff was without legal justification.

85. As a direct and proximate result of Defendant Officers' aforementioned assault and/or battery upon Plaintiff and/or the failure to stop the unnecessary threat and/or use of force, Plaintiff suffered pain and injuries not limited to emotional and physical injuries, all past, present and future as well as loss of

enjoyment of life, humiliation, degradation as described in preceding paragraphs and which will be proven through Discovery and through a trial by Jury.

WHEREFORE, Plaintiff requests this Honorable Court enter Judgment against Defendants providing the following relief:

- A. Actual Damages against all defendants in whatever amount above \$75,000 that Plaintiff is entitled;
- B. Compensatory damages against all defendants to which Plaintiff is entitled;
- C. Punitive/Exemplary damages against all defendants to which Plaintiff is entitled;
- D. An award of interest, costs and reasonable Attorney fees;
- E. And such other relief as this Honorable Court deems proper and just.

**COUNT X**  
**NEGLIGENT INFLICTION OF EMOTIONAL**  
**DISTRESS**

86. Plaintiff incorporates herein by reference all of the above paragraphs of this Complaint as though fully set forth herein at length.

87. Defendants and others, engaged in extreme and outrageous conduct by subjecting the Plaintiff to the criminal process without proper proof and without

performing a thorough investigation before making false statements to the Plaintiff and to dispatch initially.

88. The extreme and outrageous conduct by Defendants Doe and Defendant Officer Plymel and others as herein alleged, was intentional, and caused the Plaintiff to suffer severe emotional distress.

89. As a direct and proximate consequence of this extreme and outrageous conduct, Plaintiff suffered severe emotional distress and emotional and physical injuries.

90. As a direct and proximate consequence of Defendants actions, Plaintiff suffered damages including but not limited to, physical and emotional harm, pain and suffering, fear and emotional distress.

WHEREFORE, Plaintiff request this Honorable Court enter Judgment against Defendants providing the following relief:

A. Actual Damages against all defendants in whatever amount above \$75,000 that

Plaintiff is entitled;

B. Compensatory damages against all defendants to which Plaintiff is entitled;

C. Punitive/Exemplary damages against all defendants to which Plaintiff is entitled;

D. An award of interest, costs, and reasonable Attorney fees;

E. And such other relief as this Honorable Court deems proper and just.

**COUNT**  
**XI**

**INTENTIONAL INFLICTION OF EMOTIONAL**  
**DISTRESS**

91. Plaintiff incorporates herein by reference all of the above paragraphs of this Complaint as though fully set forth herein at length.

92. At all relevant times, Defendants were charged with knowledge of the laws as it pertains to investigations regarding whether a crime, violation or infraction had been committed and what evidentiary support is required to prove said crime, violation or infraction.

93. Despite knowledge of the foregoing facts and law, Defendants intentionally recklessly and/or maliciously engaged in actions and conduct set forth above.

94. Defendants' conduct was extreme and outrageous.

95. As a result of Defendants' extreme and outrageous conduct, Plaintiff sustained severe emotional distress, as well as damages set forth herein.

WHEREFORE, Plaintiff request this Honorable Court enter Judgment against Defendants providing the following relief:

- A. Actual Damages against all defendants in whatever amount above \$75,000 that Plaintiff is entitled;
- B. Compensatory damages against all defendants to which Plaintiff is entitled;
- C. Punitive/Exemplary damages against all defendants to which Plaintiff is entitled;
- D. An award of interest, costs, and reasonable Attorney fees;
- E. And such other relief as this Honorable Court deems proper and just.

Dated: 05/01/2024

Respectfully Submitted,

/s/ Patrick E. Nyenhuis

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